

November 20, 2013

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: GN Docket No. 12-353, Comment Sought on the Technological Transition of the Nation's Communications Infrastructure; GN Docket No. 13-5, Technology Transitions Policy Task Force; WC Docket No. 13-149, Application Of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services; WC Docket No. 13-150, Application Of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services  
Notice of *Ex Parte* Meeting

Dear Ms. Dortch:

On November 18, 2013, I met with Jonathan Sallet, Jonathan Chambers, and Steffanie Weiner of the Technological Transition Policy Task Force with regard to the above captioned matters.

I urged that the Commission must carefully consider Verizon's pending Section 214(a) application with regard to the New Jersey Barrier Islands. In particular, I urged that the Commission clarify that whatever decision it reaches in this proceeding be limited to the specific facts and not set general precedent. Consistent with previous presentations, I urged that the Commission begin a proceeding to provide guidance on the responsibility of carriers following natural disasters to rebuild their networks and to clarify how the Section 214(a) process will work when carriers rebuild destroyed or damaged networks with new technologies.

I reiterated my belief that the Commission should move rapidly to assert leadership on the PSTN transition by moving to a broad proceeding at the Commission level to provide guidance as to the approach the Commission will take, and to explore aspects of its legal authority to address relevant policy concerns. In particular, I urged the Commission to focus on emerging problems of cybersecurity, DDOS, 'SWATing' and other issues involving caller i.d. spoofing and the stability of the phone number system. I analogized the current state of phone number security to the state of cyber security at the time of the "Morris Worm" 25 years ago. Initially, very few people were on the network, so it was assumed if you had access to the network you would behave. Similarly, access to phone numbers has traditionally been given to regulated entities. The expansion of entities that have access to phone numbers requires a rethinking of what security is necessary.

I also shared that our informal consultations with other stakeholders had shown two concerns. First, consumer organizations expressed concern that carrier would engage in "upselling" during the transition – trying to move consumers to more expensive packages and services under the guise of maintaining service. Second, there is significant concern over possible costs associated

with involuntary transition in the form of replacing legacy equipment not compatible with VOIP or wireless. The Commission should consider how to minimize the cost of the transition to consumers and small businesses. Where consumers are converted involuntarily, carriers should have some responsibility to keep consumers whole through equipment replacement. At a minimum, carriers should be required to inform consumers of possible incompatibilities, maintain lists of possible alternatives, provide adequate advance notice for consumers and small businesses to budget these expenses, and hire additional staff to help consumers and small businesses manage the transition.

Similarly, the FCC should reach out to local and state governments, and to other federal agencies, to urge them to begin transition planning. Replacement of legacy equipment will require significant lead time for budgeting and planning, and a failure to adequately prepare may result in significant costs and interrupt critical services.

I reiterated our support for well constructed technical tests. Those who insist that this transition will be similar to the experience of customers voluntarily switching to available VOIP alternatives are simply wrong. We are talking about an involuntary conversion of customers who find their current TDM-based copper service sufficient. We do not know what legacy equipment or services will prove incompatible with IP conversion. We do not know the impact on overall call quality. We do not know how conversion of MDUs will impact fire safety. This data needs to be collected in a conscious, organized and concrete way that allows the Commission and state regulators to measure these impacts and determine what steps are necessary to maintain the reliable function of the phone system during the transition, and ensure that consumers receive a service that is as good or better than their traditional TDM service.

I suggested that carriers conduct double-blind studies by offering free service to participants and converting only half the volunteers to the test technology. The study group could then run existing service and new service and do side-by-side comparisons for call quality, number of dropped calls, impact of weather, system reliability, legacy equipment compatibility, and 9-1-1 reliability. I noted that wireless carriers and existing LECs could team up to test wire-to-wireless transitions rather than rely solely on testing by AT&T or Verizon.

In accordance with Section 1.1206(b) of the Commission's rules, this letter is being filed with your office. If you have any further questions, please contact me at (202) 861-0020.

Respectfully submitted,

/s/ Harold Feld  
*Senior Vice President*  
PUBLIC KNOWLEDGE

Cc: Jonathan Sallet  
Jonathan Chambers  
Steffanie Weiner